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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYNTHIA SEELEY,

Defendant.

CASE NO. 2:20-CR-00202 WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: June 21, 2021

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 21, 2021.

2. By this stipulation, defendant now moves to continue the status conference until August 23, 2021 at 9:00 a.m., and to exclude time between June 21, 2021, and August 23, 2021, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, materials obtained via subpoena, email correspondence, and related documents in electronic form including approximately 737 pages of documents as well as an audio recording. The discovery has been either produced directly to counsel and/or made

1 available for inspection and copying.

2 b) Defense counsel requires additional time to conduct additional interviews of
3 potentially material witnesses concerning the circumstances surrounding the offense, discuss the
4 evidence and potential resolutions with the defendant, to confer with the government, and to
5 otherwise prepare for trial. In addition, defense counsel is scheduled for jury duty in the
6 Sacramento Superior Court on June 21, 2021.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of June 21, 2021 to August 23, 2021,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

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3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
5 must commence.

6 IT IS SO STIPULATED.

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8 Dated: June 16, 2021

PHILLIP A. TALBERT
Acting United States Attorney

9
10 Dated: June 16, 2021

/s/ SHELLEY D. WEGER
SHELLEY D. WEGER
Assistant United States Attorney

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12
13 Dated: June 16, 2021

/s/ TIMOTHY ZINDEL (by Shelley
Weger as authorized on 6/16/21)
TIMOTHY ZINDEL
Counsel for Defendant
CYNTHIA SEELEY

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17 **FINDINGS AND ORDER**

18 IT IS SO FOUND AND ORDERED. Moreover, the ongoing COVID-19 pandemic has led to
19 the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court
20 issued in connection with the pandemic allow for continuances and the exclusion of time under the
21 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611,
22 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit
23 suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2,
24 See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th
25 Cir. Judicial Council 2020).

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27 Dated: June 17, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE